

CTJ/RMT
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

2000 MAY 15 PM 1:41

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff

v.

GOOGLE, INC.,

Defendant

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CIVIL ACTION NO.

4-07-CV-487-A

DEFENDANT'S UNOPPOSED MOTION TO SEAL AND BRIEF

Defendant Google Inc. ("Google") files its unopposed motion to seal its response to Plaintiff American Airlines, Inc. ("American") motion to compel production of documents and brief and its appendix in support thereof, and would state as follows:

By this motion, Google seeks to file certain portions of its response and appendix under seal. While ["i]t is clear that the courts of this country recognize the general right to inspect and copy public records and documents, including judicial records and documents, . . ." *See Nixon v. Warner Commc 'ns, Inc.*, 435 U.S. 589, 597 (1978), "[t]he right to inspect and copy judicial records is not absolute and the court has supervisory power over its own records and files." *Nixon*, 435 U.S. at 598. The district court's discretion to seal the record of a proceedings "is to be exercised charily." *U.S. v. Raybould*, 130 F.Supp.2d 829, 831 (N.D. Tex. 2000, McBryde, J.) (quoting *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993)).

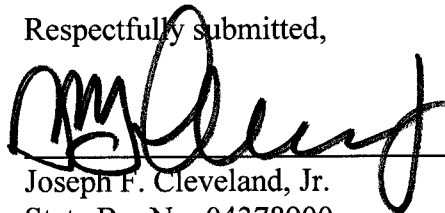
Google's response and appendix contain certain commercial or proprietary data or information regarded by Google as confidential and subject to a Confidentiality Agreement executed by the parties on December 20, 2007. In an effort to file as much information of public record as possible, Google has redacted certain information that is particularly sensitive and proprietary about

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how Google stores and maintains its electronic information. Specifically, Google has redacted paragraphs 3, 4, 7 and 8 of the Haque declaration, paragraph 4 of the Baker declaration, and paragraphs 4 through 6 of the Yan declaration, and Google's response referencing those declarations on pages 9 and 11 of its response. Google has filed the redacted response and appendix with the Clerk's office but is seeking leave to file the unredacted version of the response and appendix under seal. An unredacted version of the response and appendix has been provided to the Court for its consideration of American's motion.

Therefore, Google requests this Court to enter an order sealing its response to American's motion to compel and brief and its appendix in support thereof in order to protect the confidentiality of the information contained therein.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

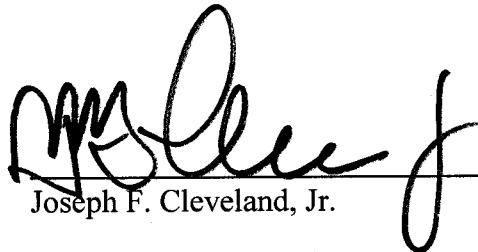
I certify that a true and correct copy of the above and foregoing document was served on plaintiff's counsel of record on May 15, 2008, as follows:

Dee J. Kelly
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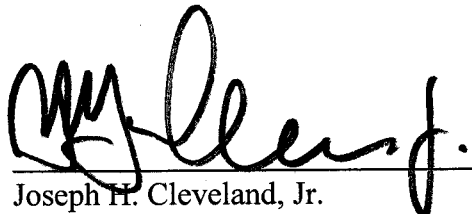
Via First Class Mail



Joseph F. Cleveland, Jr.

CERTIFICATE OF CONFERENCE

The undersigned counsel for Defendant Google Inc. conferred with counsel for Plaintiff American Airlines, Inc. on May 15, 2008 regarding Google's motion to seal. Counsel for American indicated American does not oppose the motion.



Joseph H. Cleveland, Jr.